

HB 1897 -- Restructure of the Criminal Code

Sponsor: Cox

This bill changes the laws regarding the criminal code. In its main provisions, the bill:

- (1) Changes the felony classification of specified criminal offenses;
- (2) Adds a habitual offender to the list of offenders who are prohibited from being placed on electronic monitoring (Section 221.025, RSMo);
- (3) Establishes a class E felony and a class D misdemeanor. The bill specifies that any unclassified felony or felony for which the maximum term of imprisonment is four years will be a class E felony and it will be a class D misdemeanor if the offense includes a mental state as an element of the offense and there is no authorized imprisonment (Sections 557.016 and 557.021);
- (4) Repeals the provisions requiring the court to give notice of the time and place of sentencing to the prosecuting attorney and law enforcement agency within whose jurisdiction the prosecution was initiated in all felony cases (Section 557.046);
- (5) Increases the fines for misdemeanors and felonies (Section 558.002);
- (6) Revises the age at which a person is eligible for the death penalty from 16 to 18 years of age (Section 565.020);
- (7) Changes the laws regarding the offense of involuntary manslaughter in the first degree (Section 565.024);
- (8) Changes the laws regarding the offense of assault (Sections 565.050 - 565.056, 565.072 - 565.074, 565.076, and 565.079);
- (9) Changes the laws regarding harassment and separates it into harassment in the first or second degree (Sections 565.090 and 565.091);
- (10) Changes the laws regarding child kidnapping and separates it into kidnapping in the first, second, or third degree (Sections 565.100 - 565.140);
- (11) Allows the court, upon a finding of guilt for an offense of interference with custody, parental kidnapping, or child abduction to assess as restitution against the defendant and in favor of the legal custodian or parent any reasonable expenses

incurred by the legal custodian or parent in searching for or returning the child (Sections 565.150 - 565.156);

(12) Changes the laws regarding the abuse of an elderly, disabled, or vulnerable person (Sections 565.184, 565.188, 565.189, 565.218, and 565.222);

(13) Changes the laws regarding the offense of stalking (Sections 565.225 and 565.227);

(14) Changes the laws regarding unlawful posting of certain information over the Internet and the offense of invasion of privacy (Sections 565.240 and 565.252);

(15) Raises the age at which consent is not a defense to a sex offense from less than 12 years of age to less than 14 years of age (Section 566.020);

(16) Changes the laws regarding the offense of rape (Sections 566.023 and 566.030 - 566.034);

(17) Changes the laws regarding the offense of sodomy (Sections 566.060 - 566.064);

(18) Changes the laws regarding the offense of child molestation (Sections 566.067 - 566.069 and 566.071);

(19) Lowers the age of the victim for the crime of sexual misconduct involving a child from 15 to 14 years of age and reduces the classification of the crime (Section 566.083);

(20) Specifies that the offense of sexual contact with a student includes any public or private K-12 school or on any school bus used by the school district and that the student's consent to the sexual contact is not a defense to prosecution (Section 566.086);

(21) Changes the laws regarding the offense of sexual misconduct and sexual abuse (Sections 566.090 - 566.100 and 630.162);

(22) Changes the laws regarding the offense of sex with an animal (Section 566.111);

(23) Changes the laws regarding sexual conduct with a nursing facility resident (Sections 566.115 and 566.116);

(24) Changes the laws regarding a persistent and a predatory sexual offender (Section 566.125);

(25) Changes the laws regarding the offense of enticement of a child. Currently, the child must be less than 15 years old. The

bill lowers the age to less than 14 (Section 566.151);

(26) Changes the laws regarding the offense of sexual trafficking of a child (Sections 566.210 and 566.211);

(27) Changes the laws regarding the offense of prostitution (Sections 567.010 - 567.030, 567.050 - 567.085, and 567.110 - 567.120);

(28) Repeals a provision stating that Section 568.045 is to be known as Hope's Law (Section 568.045);

(29) Specifies that the court cannot grant probation to a person who has previously been found guilty of the offense of abuse of a child (Section 568.060);

(30) Changes the laws regarding the offense of arson (Sections 569.040 - 569.053);

(31) Changes the laws regarding the offense of knowingly, reckless, or negligent burning or exploding (Sections 569.055 - 569.065);

(32) Raises or lowers the financial thresholds for certain offenses regarding tampering with computer equipment, property damage, stealing, alteration or removal of an item, counterfeiting, passing bad checks, fraudulent use of a credit or debit device, identity theft, food stamps, and institutional vandalism (Sections 569.097 - 569.100, 570.020, 570.057, 570.085, 570.103, 570.120, 570.125, 570.130, 570.180, 570.223, 570.400 - 570.408, and 574.085);

(33) Establishes the Crop Protection Act (Section 569.132);

(34) Changes the laws regarding the offense of unlawfully entering or defacing a cave or cavern or polluting cave or subsurface waters (Sections 569.135 and 569.137);

(35) Changes the laws regarding the offense of second degree robbery (Section 570.025);

(36) Changes the laws regarding the offense of stealing (Section 570.030);

(37) Specifies that a person who appropriates cable television service cannot be deemed to have stolen that service under specified conditions (Section 570.039);

(38) Changes the laws regarding the offense of deceptive business practice (Section 570.140);

(39) Changes the laws regarding the offense of financial exploitation of an elderly or disabled person (Section 570.145);

(40) Repeals the provisions regarding the offense of telephone service fraud (Section 570.190);

(41) Repeals the provisions regarding the offense of library theft (Sections 570.200, 570.210, and 570.215);

(42) Changes the laws regarding the offense of misapplication of funds of a financial institution (Section 570.217);

(43) Changes the laws regarding the offense of misappropriation of intellectual property (Section 570.225);

(44) Changes the laws regarding the offense of facilitating the theft of cable television service (Section 570.300);

(45) Changes the laws regarding weapons offenses (Sections 571.010 - 571.015, and 571.020 - 571.070);

(46) Specifies that the provisions of Chapter 572 do not prohibit authorized gambling activities under specified sections of the Missouri Constitution (Section 572.015);

(47) Revises the provisions regarding the offense of making a terrorist threat (Sections 574.115 - 574.125);

(48) Changes the laws regarding the offense of cross burning (Section 574.140);

(49) Changes the laws regarding the offense of assault on a police animal (Section 575.353);

(50) Changes the laws regarding repeat, persistent, and habitual offenders (Sections 577.001, 577.012, 577.023, and 579.170);

(51) Creates the offenses of boating while intoxicated and boating with excessive blood alcohol content (Sections 577.013 and 577.014);

(52) Changes the laws regarding a person operating an aircraft while intoxicated or with excessive blood alcohol content (Sections 577.015, 577.016, 577.020, 577.021, and 577.037);

(53) Adds a phlebotomist to the list of individuals authorized to withdraw blood for the purpose of determining blood alcohol content (Section 577.029);

(54) Revises the laws regarding the offense of leaving the scene

of an accident (Section 577.060);

(55) Changes the laws regarding the offense of failure to report a shooting (Section 577.068);

(56) Changes the laws regarding the offense of littering (Section 577.070);

(57) Changes the laws regarding damaging state park property and selling goods in a state park (Section 577.073);

(58) Repeals the offense of refusing to immediately relinquish a party telephone line during an emergency (Section 577.105);

(59) Repeals the provision regarding the offense of operating a motor vehicle while younger than 16 years of age (Section 577.110);

(60) Repeals the provision regarding implied consent for a chemical test of an aircraft operator (Section 577.206);

(61) Repeals the provision regarding implied consent for a chemical test on a dead body (Section 577.211);

(62) Changes the laws regarding ignition interlock devices (Sections 577.599, 577.605, and 577.612);

(63) Changes the laws regarding the offense of hazing (Section 578.365);

(64) Creates the offense of sports bribery in the first and second degree (Sections 578.398 and 579.399);

(65) Changes the laws regarding the offense of prohibited acts against animal research and production facilities (Section 578.405);

(66) Changes the laws regarding controlled substances and reduces the distance from 2,000 feet to 1,000 feet that distribution of a controlled substance will be deemed near a school (Sections 579.020, 579.030, 579.040, 579.045, 579.050, 579.055, and 579.060);

(67) Changes the amount of crack cocaine that is required before a person can be charged with first or second degree drug trafficking from two grams to eight grams and increases the amount of crack that leads to an enhanced penalty from six grams to 24 grams (Sections 579.065 and 579.068);

(68) Adds the condition of "knowingly" to certain drug-related

offenses (Sections 579.074, 579.078, 579.080, 579.082, 579.084, 579.086, 579.105, 579.150, and 579.155);

(69) Changes the laws regarding the offense of unlawful manufacture of drug paraphernalia (Section 579.076);

(70) Changes the laws regarding the offense of possession of methamphetamine precursors (Section 579.110); and

(71) Changes the laws regarding a victim of domestic assault or stalking (Sections 595.223 and 595.226).